

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

AVERY L. SNELLING,

Defendant.

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08-00178-01-CR-W-ODS

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

On July 9, 2008, defendant moved for a judicial determination of mental competency. Defendant was examined by Jeremiah Dwyer, Ph.D., a forensic psychologist. It is the opinion of Dr. Dwyer that defendant is competent to stand trial. During a hearing held before United States Magistrate Judge Robert Larsen on December 5, 2008, defendant and the government stipulated to the report of Dr. Dwyer.

Therefore, with no objections having been filed and after making an independent review of the record, it is

ORDERED that defendant's motion for judicial determination of mental competency is granted, the Report and Recommendation of Magistrate Judge Robert Larsen is adopted in its entirety, and this court finds that defendant is competent to stand trial. It is further

ORDERED that, pursuant to 18 U.S.C. § 3161(h)(1)(A), the time between July 9, 2008, and the date of this order is excluded in computing the time within which the trial of this criminal action must commence.

IT IS SO ORDERED.

DATE: December 16, 2008

/s/ Ortrie D. Smith
ORTRIE D. SMITH, JUDGE
UNITED STATES DISTRICT COURT